C. Remarks

The claims are 1-3 and 6, with claim 1 being the sole independent claim. Claims 4 and 5 have been cancelled without prejudice or disclaimer of the subject matter recited therein. Claim 1 has been amended to better define the present invention. Support for this amendment may be found in Fig. 1, as well as throughout the specification (e.g., page 15). No new matter has been added. Reconsideration of the present claims is expressly requested.

Claim 5 stands rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from U.S. Patent No. 5,616,373 (Karner) in view of JP 6-196420 (JP '420).

Since claims 4 and 5 have been cancelled, these rejections are moot and should be withdrawn. The foregoing actions have been taken without prejudice or disclaimer of subject matter, and without conceding correctness of the rejection, but rather strictly to obtain an earlier allowance and to expedite issuance.

Claims 1-3 and 6 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Karner. Claims 1-6 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-6 of Application No. 11/295,667. The grounds of rejection are respectfully traversed.

Prior to addressing the merits of rejection, Applicant would like to briefly discuss some of the features and advantages of the presently claimed invention. That invention, in pertinent part, is related to a plasma processing apparatus that has a process

chamber, a gas introducing part, a mechanism that arranges the object in a flow of a gas and an exhaust mechanism. The mechanism arranges the object such that it is (i) closer to the gas introducing part than to a plasma generating region and (ii) between the gas introducing part and the plasma generating region in the flow of the gas. Importantly, a plasma generating region is located in the flow path of the gas. As a result of such a structural arrangement, the active-species concentration can be maintained at a low level and an extremely thin film can be formed on the object by the plasma treatment in a stable, controlled manner within a desired time period (see page 15, lines 7-18).

Karner is directed to a plasma CVD method for producing a diamond coating. The Examiner has alleged that the apparatus shown in Fig. 6 in Karner anticipates the presently claimed apparatus. Applicants respectfully disagree.

In the apparatus shown in Fig. 6 in Karner, the gas introduced from the inlet arrangement 7 flows around the substrates 4 and is exhausted from the draw-off connections 72 without passing through the plasma generating area 23c. Also, while a scavenging gas introduced from the supply line 68 flows through the plasma generating area 23c, this gas is exhausted from the draw-off connections 72 without passing around the substrates 4, and the plasma generating region is located closer to the supply line 68 than the substrate 4. Thus, the plasma generating region and the object in Karner are not located in the flow path of the same gas, with the object being closer to the introducing part for the gas than the plasma generating region, as presently claimed. Accordingly, Karner cannot affect the patentability of the presently claimed invention.

With respect to the double patenting rejection, since this rejection is only provisional and the '667 application is still pending, the rejection should be withdrawn if it is the only issue remaining in this case.

Wherefore, withdrawal of the outstanding rejections and passage to issue of the present case are respectfully requested.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Jason M. Okun/
Jason M. Okun
Attorney for Applicant
Registration No. 48,512

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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